

**REQUEST FOR REASSIGNMENT OF APPLICATION TO  
THE APPROPRIATE EXAMINING GROUP**

Applicants hereby respectfully request that this application be reassigned to the appropriate examining group, i.e., to the technical examining group associated with the review of process control system related patent applications. In particular, the only pending claims in this application are clearly directed for a method of configuring a process control system that enables a user to select the appropriate control device for use in a particular process plant. This method is not, therefore, a method of doing business, which is the art unit to which this case is currently assigned. As the claims directed to “a method of doing business” have been cancelled from this application, Applicants submit that the examining group that examines applications related to performing process plant configuration activities would be in the best position to thoroughly examine this application, as such an art unit is more familiar with and is in a position to better understand the specific technology involved in this case.

In order to receive a more complete, thorough and better examination of the claims still pending in this application, Applicants respectfully request that this application be assigned to the appropriate examining group, i.e., the examining group typically assigned to examining technical inventions related to the implementation and configuration of process control equipment and process plants.

## REMARKS

This paper is timely filed, as it is submitted with a Certificate of Mailing under 37 C.F.R. §1.8, a petition for a two-month extension of time, and an authorization to charge Deposit Account No. 13-2855 (under charge number 30203/37573) for the petition fee under 37 C.F.R. §1.17(a)(1). Additionally, this paper is submitted with a Request for Continued Examination (RCE) and the authorization to charge Deposit Account No. 13-2855 (under charge number 30203/37573) for the requisite fee. However, if there are any additional fees or refunds required, the Commissioner is directed to charge or credit Deposit Account No. 13-2855 (under charge number 30203/37573) for such fees or credits. A copy of this paper is included for this purpose.

### I. STATUS OF THE CLAIMS

Claims 1-30 are pending in this application. As a result, claims 1-30 are at issue with claim 1 being the only independent claim at issue.

### II. REJECTIONS UNDER 35 U.S.C. §103

Applicants respectfully traverse the rejections of claims 1-30 as obvious over Bugarin et al. (U.S. Patent No. 6,606,570) in view of the Examiner's Official Notice.

Generally speaking, each of claims 1-30 recites a method of configuring a process plant by analyzing a plurality of process control instruments for use in the process plant, including receiving data related to the specific process control environment in which one of the plurality of process control instruments is to be used, determining one or more performance characteristics for each of the plurality of process control instruments indicating the performance of each of the process control instruments when used in the specific process control environment, and displaying the performance characteristics for each of the plurality of the process control instruments simultaneously via a computer device. In this manner, the claimed method provides a plant designer with specific performance information needed by the designer to decide which of the various possible process control instruments would be best suited in the particular process control environment in which this equipment is intended to be used.

Bugarin et al. simply fails to provide any disclosure or suggestion of *determining performance characteristics of various process control instruments based on a specific use or manner of use of those process control instruments within a specific process control environment*. As a result, Bugarin et al. does not enable a plant designer to select the one of various possible process control instruments that **best** satisfies the user's needs based on performance characteristics obtained by those devices when placed within a particular process control environment. Instead, the Bugarin et al. system merely relies on and uses the rated characteristics of control instruments without regard to the manner in which those rated characteristics may change or be affected when the control instrument is actually placed within a particular plant environment.

In particular, the Bugarin et al. system appears to (1) calculate "flowmeter parameters" in the form of specific minimal requirements that a flowmeter needs to have to be used in the plant, (2) determine whether one or more stored Coriolis flowmeter devices meet those minimum parameters based on the stored (i.e., rated) characteristics of the Coriolis flowmeter devices, and (3) provide a list of the Coriolis flowmeters having rated characteristics which satisfy the calculated minimum parameters to the user. Thus, while Bugarin et al. appears to disclose a system that calculates necessary device parameters from process control environment information to determine the minimum process control device parameters that must be satisfied by a control instrument to be used in the plant environment, Bugarin et al. does not disclose or suggest that it would be desirable or even possible to determine performance characteristics for each of a set of possible control instruments, which performance characteristics are obtained by the use of that particular control instrument within the specific process control environment. Thus, the Bugarin et al. system does not enable a user to determine which of the possible process control instruments (i.e., the instruments that could be used in the plant based on the instrument's rated performance) is *best suited* to the particular use within the process control environment based on performance characteristics determined as a result of the control instrument actually being used within the specific plant environment.

Stated in another manner, Bugarin et al. merely discloses determining which control device(s) could be used in a particular process environment based on the rated operation of those control devices and the calculated limits of the plant environment. The Bugarin et al. system does not enable a user to view performance characteristics obtained by control

instruments taking into account the specifics of the plant environment in which the control instruments are placed.<sup>1</sup> Thus, Bugarin et al. fails to recognize that it is desirable or beneficial to model the operation of a control instrument within a specific plant environment in some manner and to use a performance characteristic determined by this modeling procedure to determine the best or most suitable control instrument to use within the specific plant environment.

Likewise, even accepting for the sake of argument the Examiner's Official Notice that one skilled in the art would know to provide calculations made by a computer device via a computer display,<sup>2</sup> the combination of Bugarin et al. with the Examiner's Official Notice still fails to provide the claimed system, as neither Bugarin et al. nor the Examiner's Official Notice suggests determining one or more performance characteristics for each of a plurality of control instruments indicating the performance of each of the control instruments when used in a specific process control environment, as recited by each of the pending claims. Instead, as noted above, Bugarin et al. merely uses the rated characteristics of control instruments based on stored information for those instruments and determined by testing of the control instruments outside of the specific process control environment in which the instrument is being considered for use. Moreover, the Examiner's Official Notice, as currently understood by the Applicants, provides no teaching regarding any manner of determining performance characteristics of one or more control instruments. Thus, to the extent that the Examiner's Official Notice is limited to Notice that displaying a number which has already been calculated by a computer device to a user via a display, then the Official Notice taken by the Examiner does not cure the deficiency of Bugarin et al. As a result, no combination of these references produces the method recited by each of claims 1-30.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because neither Bugarin et al. nor the Examiner's Official Notice discloses or suggests any reason to determine one or more performance

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<sup>1</sup> Which is much different than simply using the rated performance of the control instrument, as the rated performance is obtained in a generic manner without considering any specific plant environment.

<sup>2</sup> Applicants maintain the traversal of the Examiner's Official Notice to the extent that such Notice is meant to indicate that determining performance characteristics of a control instrument via a computer device and then displaying these performance characteristics to a user is known in the art.


characteristics for each of the plurality of process control instruments indicating the performance of each of the process control instruments when used in a specific process control environment, as recited by each of the pending claims 1-30, it follows that no combination of Bugarin et al. and the Examiner's Official Notice can render any of the pending claims obvious.

### III. CONCLUSION

For these foregoing reasons, Applicants submit that this application is in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims are therefore respectfully requested. However, if there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call Applicants' attorney at the number listed below.

Respectfully submitted,

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By:   
Roger A. Heppermann  
Reg. No. 37,641  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300  
Attorney for Applicants